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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,070	01/21/2004	Noah Chen	JCLA12713	4581
23900	7590	06/05/2006	EXAMINER	
J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			PICKETT, JOHN G	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,070

Applicant(s)

CHEN, NOAH

Examiner

Gregory Pickett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10 and 12-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7, 10 and 12-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action acknowledges the applicant's amendment submitted 23 March 2006. Claims 1-7, 10, 12-15 are pending in the application. Claims 8, 9, 11, 16, and 17 have been canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The original specification does not provide adequate antecedent basis for the terminology "ammonium-sulfate removing agent".

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2-7, 10, and 12-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably

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convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original specification does not provide for an "ammonium-sulfate removing agent" but rather provides for a drying agent, which as described in paragraph [0022] is to absorb water vapor. Per the specification, the water vapor is an agent involved in a chemical process that results in the formation of ammonium-sulfate crystals on the surface of a reticle. Removal of the water vapor inhibits this reaction and prevents formation of the ammonium-sulfate crystals. As disclosed in the original specification, the drying agent removes water vapor, not ammonium-sulfate.

The limitations concerning an "ammonium-sulfate removing agent" are found in claims 2, 3, 6, 7, 10, 12, and 13 are considered impermissible new matter.

Claims 4 and 5 are dependent on claim 2 and are rejected for the above reason.

Claims 14 and 15 are dependent on claim 7 and are rejected for the above reason.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the drying agent" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (Figures 1-4, hereinafter PA) in view of Nyseth et al (US 6,010,008; hereinafter Nyseth) and Baseman et al (US 5,346,518; hereinafter Baseman).

Claim 1 appears to invoke the provisions of 35 U.S.C. 112, 6th paragraph. Paragraphs [0021] and [0022] are definitive in interpreting the structure involved in the prevention means, where the structure is defined as an o-ring seal and a drying agent.

PA discloses a SMIF box **200** with a base pedestal **220** and a cover **210**. PA merely lacks the o-ring seal and drying agent.

Nyseth discloses o-ring seals **118 & 120** for sealing the breaks or openings between the interior and exterior (Col. 3, lines 23-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the SMIF box of PA with o-ring seals as taught by Nyseth in order to seal the connection between the base and the cover.

Baseman discloses water vapor removal element **30** with a drying agent **32** and a filter net **34** for minimizing contamination of the components within the enclosure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the SMIF box of PA-Nyseth with a drying agent and filter net as taught by Baseman in order to minimize contamination of the retained components.

Response to Arguments

7. Applicant's arguments filed 23 March 2006 have been fully considered but they are not persuasive. It is noted that the applicant's admitted prior art of Figures 1-4 is the base reference and is clearly concerned with reticles (see paragraph [0002] of the instant application). Arguments concerning the removal of ammonium-sulfate crystals from wafer surfaces are not considered "on point" since the base reference is clearly concerned with reticles.

8. In response to Applicant's argument that Nyseth and Baseman are not concerned with the removal of ammonium-sulfate crystals from the retained articles, the fact that Applicant uses the preventing means for a different purpose does not alter the conclusion that its use in a prior art device would be *prima facie* obvious from the purposes disclosed in the references. *In re Lintner*, 173 USPQ 560. All benefits of claimed invention need not be explicitly disclosed in reference to render claim unpatentable under 35 USC 103. See *In re Dillon*, 919 F.2d 688, 16 USPQ2d 1897 (Fed. Cir. 1990). Since the claimed subject matter would have been obvious from the references, it is immaterial that the references do not state the problem or advantage ascribed by applicant. See *In re Wiseman*, 201 USPQ 658.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 571-272-4560. The examiner can normally be reached on Mon-Fri, 11:30 AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Greg Pickett
Examiner
25 May 2006


Mickey Yu
Supervisory Patent Examiner
Group 3700